IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

LETTERS PATENT APPEAL No 2566 of 2004

in

SPECIAL CIVIL APPLICATIONNo 1983 of 2004

with

CIVIL APPLICATION No 9964 of 2004

For Approval and Signature:

HON'BLE DR.JUSTICE J.N.BHATT
and
HON'BLE MR.JUSTICE R.S.GARG

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

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LILUBEN NARSINHBHAI

Versus

RANGE FOREST OFFICER

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Appearance:

1. LETTERS PATENT APPEAL No. 2566 of 2004

MRS DT SHAH for Appellant No.

MR VM PANCHOLI AGP for Respondent No. 1-2

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CORAM : HON'BLE DR.JUSTICE J.N.BHATT
and
HON'BLE MR.JUSTICE R.S.GARG

Date of decision: 03/03/2005

ORAL JUDGEMENT

(Per : HON'BLE DR.JUSTICE J.N.BHATT)

Upon matter being called out, the learned Advocate Mrs. D.T.Shah for the appellant and learned AGP Mr.V.M.Pancholi for the respondents are present. Learned AGP Mr.Pancholi has tendered affidavit-in-reply as directed by us on behalf of Respondent No.1. It is affirmed by one Mr.N.R.Vyas, Range Forest Officer and it is taken on record. It is jointly submitted that three recovery applications are pending before the Labour Court being Recovery Application No.465/95, 466/95 and 197/97, wherein approximately the claim of the workmen in whose favour the award has been passed is of Rs.74,000/- as stated by learned Advocate Mrs.Shah.

2. It is upon joint consensus submitted that the original petitioner-appellant before us Ms.Liluben Narsinbhai will be accommodated in Sardhara Nursery, if working as on today, otherwise in any one of the nearest nursery. It is, therefore, jointly again submitted that if she could not join Sardhara Nursery, she will be accommodated in Vitthalgadh. Wherein under instructions from the officers present in the Court today learned AGP states that the original petitioner-employee can resume on any date. Learned Advocate Mrs. Shah states that the employee-original petitioner Liluben will report the duty on 14th March, 2005 (Monday).

3. Since the question with regard to the claim pending in three aforesaid recovery applications before the Labour Court is yet to be adjudicated upon and on request of learned Advocate Mrs.Shah and upon consideration of the peculiar facts and special circumstances obtainable from the record of the present appeal, we deem it expedient to direct the Labour Court concerned to consider and determine in accordance with law aforesaid pending recovery applications, as early as, possible, giving priority and decide preferably within four months and also we make it clear that we have not gone into any other question on merits. In view of the aforesaid observations and directions, this Letters Patent Appeal shall stand disposed of. Accordingly, Civil Application No.9964/04 also stand disposed of. Registry is directed to transmit the writ immediately to

the concerned Labour Court at Surrendranagar.

(Dr. J. N. Bhatt, J.)

(R. S. Garg, J.)

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